



ADMINISTRATIVE RULES OF MONTANA



42.12.128 CATERING ENDORSEMENT; CATERED EVENTS; EVENT BARRIERS

- (1) Any licensee having obtained a catering endorsement under the provisions of 16-4-111 or 16-4-204, MCA, is authorized to sell alcoholic beverages authorized under the license to persons attending a catered event sponsored by someone other than the licensee or the concessionaire of the licensee and at a location not otherwise licensed or operating under a special permit.
- (2) Prior to selling or serving alcoholic beverages at the catered event, the licensee shall:
 - (a) have an executed written agreement with the event's sponsor;
 - (b) notify the local law enforcement agency that has jurisdiction over the area where the catered event will be held using a form provided by the department;
 - (c) pay the local law enforcement agency a \$35 fee, if required by the local government, as provided in 16-4-111 and 16-4-204, MCA; and
 - (d) ensure compliance with the alcoholic beverages sales restrictions provided in 16-3-306, MCA.
- (3) A catered event may have more than one licensee cater the event. Licensees shall prevent the consumption of alcoholic beverages within their catered event service area that they did not sell or provide.
- (4) A catered event may last for a maximum of three days, except a licensee may have one catered event per year that lasts up to seven days for a fair, as defined in ARM 42.12.106. The storage of alcoholic beverages may occur at the catered event, as provided in 16-4-111 and 16-4-204, MCA.
- (5) Alcoholic beverages may be sold and served at the catered event from a booth, stand, or other fixed place of business as designated and described in the notice given to the local law enforcement agency and may include grandstands or bleachers, as provided for in 16-4-111 and 16-4-204, MCA.
- (6) If there is not an existing boundary defining the catered event service area, an event barrier shall be required to clearly mark where the sale and service of each licensee's alcoholic beverages is allowed. The event barrier:
 - (a) shall be constructed in a manner that directs or impedes ordinary foot traffic and clearly defines the boundary of the catered event service area;
 - (b) shall be at least three feet in height at all points;
 - (c) shall have a clearly defined entrance permitting access to the catered event service area;

- (d) may be shared with an adjoining licensee to define their respective catered event service areas; and
 - (e) may have a portion consisting of an existing natural or artificial barrier.
- (7) When a licensee caters an event that is within 15 feet of its licensed premises, patrons may take alcoholic beverages between the licensed premises and the area authorized for the catered event if the licensee:
- (a) incorporates into the event barrier, a clearly marked path or paths from the public entry of the licensed premises to the public entry of the catered event;
 - (b) posts signs along the path or paths informing patrons as to where the consumption of alcoholic beverages is allowed and not allowed; and
 - (c) obtains approval from local government officials for the use of the path or paths, if:
 - (i) the licensee does not already have possessory interest for the area;
 - (ii) the licensee does not already have conditional use approval from local government officials for the area; or
 - (iii) there is an ordinance in place prohibiting open containers of alcoholic beverages.
- (8) The sale and service of alcoholic beverages at the catered event may be conducted by:
- (a) the licensee or licensee's employees;
 - (b) volunteers of the licensee; or
 - (c) the alcoholic beverage manufacturer or vendor, its employees, or registered vendor representatives if:
 - (i) the licensee gives their explicit consent;
 - (ii) the alcoholic beverage manufacturer or vendor holds a current alcoholic beverage license, registration, or permit from the department; and
 - (iii) each person listed in (c) serving alcoholic beverages is current with the Responsible Alcohol Sales and Service Act, provided in 16-4-1005, MCA, prior to the commencement of the catered event.
- (9) On or before the 15th day of each month, the licensee shall electronically report, on a form provided by the department, those events the licensee catered in the previous month and shall include a copy of the notification form signed by local law enforcement.
- (10) A copy of the executed written agreement between the licensee and event sponsor for each event catered shall be maintained by the licensee for a period of three years from the date of the event. The department may make an examination of any such agreement at any time.
- (11) The licensee who catered the event is ultimately responsible for ensuring compliance with all alcoholic beverage laws and regulations, violations of which may subject the licensee to administrative action.
- (12) A distillery licensed under 16-4-312, MCA, may sponsor a catered event with an all-beverages licensee with a catering endorsement if:

- (a) the distillery obtains department approval by submitting a form provided by the department at least 30 days prior to the start of the catered event;
 - (b) the all-beverages licensee follows the catering requirements provided in statute and this rule;
 - (c) all liquor provided for on-premises consumption at the catered event is purchased by the all-beverages licensee from an agency liquor store;
 - (d) all liquor sold for off-premises consumption at the catered event is purchased by the all-beverages licensee from an agency liquor store; and
 - (e) the distillery is prohibited from selling liquor directly to catered event attendees.
- (13) In accordance with 16-4-204, MCA, the department may approve only six catered events per calendar year, industry-wide. As such, catered event requests from distilleries will be processed and approved on a first-come, first-served basis.

Authorizing statute(s): 16-1-303, 16-4-204, MCA

Implementing statute(s): 16-3-103, 16-4-111, 16-4-204, 16-4-312, MCA

History: NEW, 1979 MAR p. 983, Eff. 8/31/79; AMD, 1985 MAR p. 167, Eff. 2/15/85; AMD, 1987 MAR p. 1491, Eff. 10/1/87; AMD, 1992 MAR p. 1244, Eff. 6/12/92; AMD, 1994 MAR p. 3101, Eff. 12/9/94; AMD, 2003 MAR p. 21, Eff. 1/17/03; AMD, 2012 MAR p. 1846, Eff. 9/21/12; AMD, 2019 MAR p. 1173, Eff. 8/10/19; AMD, 2024 MAR p. 2303, Eff. 9/21/24.